IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 22357 of 2004

Between:

K. Venkat Seetha Ramaraju S/o K.V.N. Raju
Rambilli Mandal & Village Visakhapatnam district

..... PETITIONER

AND

1 The Mandal Revenue Officer, Rambilli (M), Panchayati Raj Circle,

Visakhapatnam
2 The Superintending Engineer, Kakinada E.G. District
3 the Executive Engineer, Panchayat Raj Narsipatnam, Visakhapatnam District
4 Rambilli Primary Agricultral Co-operative Credit Society LTd., No. 327, Rambilli,

Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in attempting to encroach into the site of the 4th respondent Co-operative Society to an extent of 20 Cents in Survey No.95 (Bit NO.2) of Rambilli Mandal which was alienated to it by Revenue Department for the construction of its office building as illegal, arbitrary, mala fide and against the principles of natural justice and to consequently direct the respondents not to make any attempts to encroach into the said site or to make any construction in it.

Counsel for the Petitioner:MR.K.SARVA BHOUMA RAO

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent Nos.2 AND 3: GP FOR PANCHAYAT RAJ

Counsel for the Respondent No.4: GP FOR COOPERATION & RURAL DEV.

The Court made the following :

ORDER:

This Writ Petition is filed by the Ex-President, who was for some time Person-in-charge of Primary Agricultural Cooperative Credit Society. Admittedly, he cannot represent the Society at present as he is neither the President nor the Person-in-charge of the Society. A Society shall be represented by its President or Secretary or Person-in-charge. But, the petitioner is not competent person to represent the said Society in whose favour an extent of 20 cents of land in Sy.No.95, Bit No.II of Rambilli village was allotted by order of the Sub-Collector, Narsipatnam in Rc.No.2148/85/C, dated 14.10.1985 for construction of Godown and the Mandal Revenue Officer, Rambilli was requested to hand over the site to the concerned Society and submit alienation proposals to the Office of the Sub-Collector. The petitioner has not filed any proceedings as regards the proposals submitted by the Mandal Revenue Officer or the completion of alienation proceedings. The petitioner has filed this Writ Petition complaining that the Office of the Mandal Revenue Officer is being constructed within the area of allotted land of 20 cents in Sy.No.95 of Bit No.II of Rambilli village.

The respondents have filed a counter stating that the construction of the Mandal Revenue Office is not situated within the said allotted land where there was no completion of alienation proceedings and the petitioner without having any right or grievance stalled the completion of the construction of the Mandal Revenue Office.

As the petitioner is not entitled to file the Writ Petition on behalf of the Primary Agricultural Cooperative Credit Society and in view of the counter filed to the effect that the constructions are not situated within the said allotted land, I am of the opinion that the petitioner is not entitled for any relief as prayed for in the Writ Petition.

Accordingly, the Writ Petition is dismissed with costs.

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V. ESWARAIAH, J

Dated:16-03-2005

Ccm

To

1 The Mandal Revenue Officer, Rambilli (M), Panchayati Raj Circle,

Visakhapatnam
2 The Superintending Engineer, Kakinada E.G. District
3 The Executive Engineer, Panchayat Raj Narsipatnam, Visakhapatnam District
4 Rambilli Primary Agricultral Co-operative Credit Society LTd., No. 327,

Rambilli, Visakhapatnam

5 Two CCs to the G.P. for Cooperation, High Court Buildings,

A.P.Hyderabad(OUT)

6 Two CCs to the G.P. for Panchayat Raj, High Court Buildings,

A.P.Hyderabad(OUT)

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